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Campbell, CA 95008  
Tel & Fax 408-866-1220  
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JAN 04 2006

**Innovative Rubber  
and Plastics**

# Fax

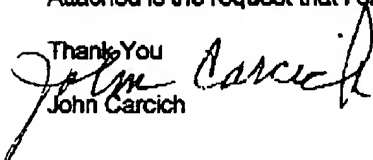
**To:** USPTO attn Inina Zemel **From:** John Carcich  
~~702-200-6016~~  
**Fax:** 571-272-8300 **Pages:** 11  
**Phone:** 571-272-0577 **Date:** 1/4/2006  
**Re:** [Click here and type subject of fax] **CC:**

☒ Urgent ☐ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

To the USPTO offices

It was noted that I submitted a response to a request an approval that has been pending for some time.

Attached is the request that I sign the document that was returned. That signature is attached.

Thank You  
  
John Carcich

**BEST AVAILABLE COPY**

1649 Luika Place, Campbell, CA 95008  
John Carcich / Inventor

**Innovative Rubber &  
Plastics**

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JAN 04 2006

**Fax**

<b>To:</b>	USPTO attn Irina S. Zemel	<b>From:</b>	John Carcich
<b>Fax:</b>	703-872-9306	<b>Pages:</b>	3
<b>Phone:</b>	571-272-0577	<b>Date:</b>	7/20/2005
<b>Re:</b>	#10/696,966 application processing	<b>Confirmation</b>	
		<b># 8506</b>	

☒ **Urgent**    ☒ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

Hello Mrs. Irina Zemel

Per our conversation last week I am sending you the information you requested so that the USPTO will enter the processing of my above identified application for patent.

I am faxing this fax letter with my attached letter. In addition a hard copy will be sent to your office.

I thank you for the time spent on the phone on explaining the procedure in processing this patent through the USPTO system. I will look forward to speaking or receiving correspondence from you in the future.

Sincerely



John Carcich / Inventor

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<b>Notice of Non-Compliant Amendment (37 CFR 1.121)</b>	Application No.	Applicant(s)	
	Examiner	Art Unit	

101696966  
 571-

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on \_\_\_\_\_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

☐ 1. Amendments to the specification:
 

- ☐ A. Amended paragraph(s) do not include markings.
- ☐ B. New paragraph(s) should not be underlined.
- ☐ C. Other \_\_\_\_\_

☐ 2. Abstract:
 

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
- ☐ B. Other \_\_\_\_\_

☐ 3. Amendments to the drawings:
 

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
- ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
- ☐ C. Other \_\_\_\_\_

☐ 4. Amendments to the claims:
 

- ☐ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
- ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ E. Other: Amendment is not seen

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:
 

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Asellman  
 Legal Instruments Examiner (LIE)

241-272-4046  
 Telephone No.

571-



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,966	10/29/2003	John Carcich	372-001CIP2	8506
7590 12/21/2005				
John Carcich 1649 Luika Place Campbell, CA 95008				
EXAMINER ZEMEL, IRINA SOPHIA				
ART UNIT 1711		PAPER NUMBER		

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1649 Luika Place  
Campbell, CA 95008

**United States Patent and  
Trademark Offices**

July 20, 2005

PO Box 1490  
Arlington, Virginia 22313-1450  
Attn: Irina S. Zemel  
Conformation #8506

Dear Mrs. Zemel:

This letter is a follow up to our phone call last week on my patent application that you will be processing.


The question that you requested of me was if I choose to process this patent under section I or II with or without traverse as identified on your detailed Action letter and want to traverse the claims of my patent application.

My choice is to use option "claim I. using the traverse authority" items 1 through 18 of my claims and identified on your detailed action letter.

I hope that I have completed this action per your written request and our verbal conversation.

I will be travelling out of the United States From August 5 to the end of September on business and if you have need to contact me please leave a message on my personal home phone which I will be checking. The phone number is 408-866-1220

Sincerely,

  
John Carcich  
Inventor

<b>Interview Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/696,966		CARCICH, JOHN	
	<b>Examiner</b>		<b>Art Unit</b>	
	Irina S. Zemel		1711	

All participants (applicant, applicant's representative, PTO personnel):

(1) Irina S. Zemel. (3) \_\_\_\_\_

(2) Mr. Carcich. (4) \_\_\_\_\_

Date of Interview: 06 July 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: \_\_\_\_\_

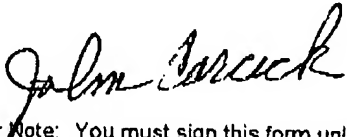
Identification of prior art discussed: \_\_\_\_\_

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

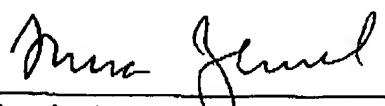
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Outstanding restriction requirement and reply format was discussed. Legal consequences of reply with or without traverse were discussed. Applicant was encourage to file election/restriction response with traverses.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature If required



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,966	10/29/2003	John Carcich	372-001CIP2	8506
7590 07/14/2005				
John Carcich 1649 Luika Place Campbell, CA 95008				
EXAMINER ZEMEL, IRINA SOPHIA				
ART UNIT		PAPER NUMBER		
1711				

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*John Carcich*

<b>Office Action Summary</b>	<b>Application No.</b> 10/696,966	<b>Applicant(s)</b> GARCICH, JOHN	
	<b>Examiner</b> Irina S. Zemel	<b>Art Unit</b> 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-26 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |



Application/Control Number: 10/696,966  
Art Unit: 1711

*with  
Remarks*

*Admitted for  
exam 4 months  
from filing*

Page 2

**DETAILED ACTION*****Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18, drawn to a composition and a method of making a composition, classified in class 521, subclass 82+.
- II. Claims 19-26, drawn to a method of freshening of inside of a shoe, classified in class 36, subclass 43.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed can be used in a materially different process of using that product such as packaging of insulating processes.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

Application/Control Number: 10/696,966  
Art Unit: 1711

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Carcich on several occasions to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irina S. Zemel whose telephone number is (571)272-0577. The examiner can normally be reached on Monday-Friday 9-5.

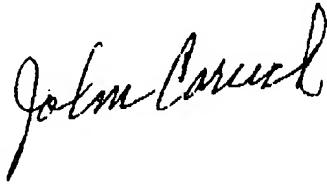
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571)272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Application/Control Number: 10/696,966  
Art Unit: 1711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IsZ



Irina S. Zemel  
Examiner  
Art Unit 1711

